IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

And
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 14254 of 2004

Between:

B. Krishna Murthy, S/o. Narayana Rao,
Reserve Sub-Inspector (A.R.S.I.)., 7th Battalion, A.P. Special Police, Dichpally,
Nizamabad District.

..... PETITIONER

AND

1 The Govt. of A.P. rep by its Principal Secretary, Home Department,
Secretariat, Hyderabad.
2 The Inspector General of Police, A.P.S.P. Battalions, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ order or direction more particularly one in the nature of writ of Certiorari by calling for the records relating to O.A.No. 341/2001, dated 15-12-2003 and quash the same by holding it as illegal, arbitrary, bad and further direct the respondents to promote the petitioner to the post of Reserve Sub-Inspector treating his actual date of promotion as 18-3-1992 and also taking into account the date of regularisation and date of declaration of probation in the category without taking into account that this regularisation was altered as per Rc.No. 1434/A1/95-98, dated 18-12-1998.

Counsel for the Petitioner: MR.C.SRINIVASA BABA

Counsel for the Respondent Nos.1 & 2: GP FOR SERVICES-I.

The Court, at the stage of admission, made the following:

(Oral Order: Per: The Hon'ble Mr. Justice Goda Raghuram)

The writ petition is filed aggrieved by the order of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal') dated 15-12-2003 rejecting O.A.No. 341 of 2001. The petitioner and another, Assistant Reserve Sub-Inspectors in the Andhra Pradesh Special Police, have challenged the proceedings dated 18-12-1998 issued by the 2nd respondent herein whereby notional seniority was given to eight (8) A.R.S.Is., on par with their juniors, but without monetary benefits, with effect from 30-08-1997 in the category of A.R.S.Is., The O.A.No. 341 of 2001 was rejected by the Tribunal by the impugned order, *inter alia*, on the ground that the applicants had not impleaded the parties affected by the relief sought as 'respondents' in the O.A. Factually, there is no contest on this aspect. As the invalidation of the proceedings dated 18-12-1998 would involve adverse civil consequences to eight (8) officers, who were given notional seniority in the category of A.R.S.Is., they are necessary and proper parties and they ought to have been impleaded. The failure of the petitioner and the other applicant to have impleaded them is fatal to the O.A. This is what the Tribunal held and correctly so. We find no reason to interfere with the impugned order. The writ petition fails and is accordingly dismissed at the stage of admission.

_____

J. CHELAMESWAR, J

_____

GODA RAGHURAM, J

Dt. 29-09-2004

Pvks/*

To

1. The Principal Secretary, Home Department, Government of A.P.
   Secretariat, Hyderabad.
2 The Inspector General of Police, A.P.S.P. Battalions, Hyderabad.

3.2CCs to the Government Pleader for Services-I, A.P. High Court Buildings, Hyderabad (OUT).

4.2CD copies

*Form-NIC-OGS/WP{**RLD**}*